

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

TERI L. MARTIN,)	
)	
)	
Plaintiff,)	
v.)	C.A. No. 11-484 S
)	
LAW OFFICES OF)	
HOWARD LEE SCHIFF, P.C.,)	
)	
Defendant.)	

ORDER

WILLIAM E. SMITH, United States District Judge.

The Report and Recommendation of United States Magistrate Judge Lincoln D. Almond, filed December 10, 2012 (ECF No. 9) in the above-captioned matter, is hereby accepted pursuant to 28 U.S.C § 636(b)(1). Neither party has objected to Magistrate Judge Almond's findings,¹ which the Court determines are well supported by both the facts and the law. Accordingly, Defendant's Motion to Dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (ECF No. 5) is DENIED.

¹ Defendant filed a motion for an extension of time to file an objection (ECF No. 10), and that motion was granted by text order on December 21, 2012. The extended deadline of January 15, 2013, however, has passed. In addition, Defendant filed an Answer to the Complaint (ECF No. 14), thus signaling its acceptance of Magistrate Judge Almond's Report and Recommendation.

In his Report and Recommendation, Magistrate Judge Almond further recommended that the Court establish a deadline for limited discovery and the filing of a dispositive motion on the issue of whether the underlying credit card agreement constitutes a written or unwritten contract under Virginia law. (See Report and Recommendation at 9.) Because this issue is potentially case determinative, the Court agrees. A Rule 16 conference is currently scheduled for February 13, 2013 before Magistrate Judge Almond. The Court directs Magistrate Judge Almond to set such a schedule at that time.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
United States District Judge
Date: February 7, 2013